

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

JASON KESSLER	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:18cv00015-NKM-JCH
	)	
CITY OF CHARLOTTESVILLE	)	
MAURICE JONES	)	
Charlottesville City Manager	)	
In his individual and official capacities	)	
	)	
Defendants.	)	

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**DECLARATION OF CAPTAIN WENDY LEWIS**

I, Captain Wendy Lewis, declare under penalty of perjury as follows:

1. I am a Captain in the Charlottesville Police Department (“CPD”).
2. I was Jason Kessler’s main point of contact in the CPD regarding his “Unite the Right” event that took place on August 12, 2017. Mr. Kessler and I met on several occasions from early June up until the event in August. We also occasionally communicated about these issues via text, including texts about the security plan in the days leading up to the event. Our discussions included logistics issues for the 2017 event such as tents in the event of rain and the loading and unloading of sound equipment. On one occasion he came to the CPD to review the then-current version of the police’s security plan. Due to the sensitivity of that document, we could not provide him with his own copy of it. Mr. Kessler’s security team had further discussions with Lieutenant Hatter and Sergeant Detective Newberry of the CPD as the plans developed, including communication of the

final security plan. Mr. Kessler was aware of the outlines of our plan to protect his rally.

3. Before the August 12th event, I and other officers of the CPD received intelligence reports about it. Based on these reports, the CPD estimated that from 1,000 to 1,500 demonstrators would participate in the event, far more than the 400 people Mr. Kessler estimated on his permit application. Several of the groups and individuals we believed would attend the event had participated in violent events in the past, such as the violent rallies in Portland, Oregon, in Berkeley, Sacramento, and in Anaheim, California. Based on these reports, I believed that the Unite the Right event would lead to a similar or, potentially, even greater amount of violence.
4. The CPD also received reports from the Virginia Fusion Center that Unite the Right demonstrators intended to bring various weapons, such as bats, batons, flag sticks, knives, and firearms and possibly pepper spray with which to confront others.
5. On August 7, 2017, I attended a meeting with Mr. Kessler, City Manager Maurice Jones, and Michelle Christian. At the meeting, Mr. Jones asked Mr. Kessler about how many people he anticipated attending the Unite the Right event, noting that we believed that many more than 400 people were likely to attend. Mr. Kessler stated that his estimate of 400 people was likely correct, but provided no support for it and asserted that he was not responsible for how many people ultimately attended the event. At that meeting, Mr. Jones informed Mr. Kessler that he would modify Mr. Kessler's permit application for the event to take place in McIntire Park. That decision was based on the superiority of that location to protect public safety, including a much larger area, off street parking, much less disruption to narrow downtown streets, and easier access for attendees. I

agreed with this decision on public safety grounds. Mr. Kessler stated that he would not accept that; rather, he and his event attendees would congregate in Emancipation Park (formerly Lee Park), and he would file a lawsuit challenging the City's decision to move the event to McIntire Park.

6. On August 8, 2017, Mr. Kessler met with me, former Police Chief Al Thomas, and Captain Victor Mitchell to discuss security for the event. Chief Thomas explained that the CPD would be much more capable of keeping people safe if the event were held in McIntire Park. He also explained to Mr. Kessler that the CPD's goal is to keep everyone safe. Mr. Kessler continued to resist holding the event in McIntire Park, stating that he and his attendees would go to Emancipation Park instead. He repeatedly asked if we would stick to the same security plan as we agreed to for Emancipation Park. Chief Thomas conveyed that we would plan for both contingencies—if the event was held in Emancipation Park or if it was held in McIntire Park—in order to keep people safe.
7. Around August 5th, Mr. Kessler provided me with the name of Jack Pierce, who he said was in charge of security for the speakers. On August 7th, I passed Mr. Pierce's contact information along to Sgt. Tony Newberry to coordinate the logistics of escorting the speakers for the event into Emancipation Park.
8. On August 11th, I called Mr. Kessler after the court's ruling on the rally location to inform him of the ruling and to reinforce the security plans. He was in the middle of the torch light rally at UVA. He texted me Elliot Kline's number and said Mr. Kline was the new person in charge of security. I then texted Mr. Kessler to confirm for him that the original plan for VIP and speaker escorts was in place. I hereby aver that a true and correct copy of these texts is attached to this Declaration as Exhibit A.

9. On August 12th, despite the several months of appearing to cooperate with police security planning, Mr. Kessler did not show up with his demonstrators from the West as was provided for in the security plan. Instead, his attendees came into Emancipation Park from all directions. The speakers not following the security plan and the attendees coming in from all directions significantly contributed to the security issues experienced that morning because CPD had no opportunity to keep the demonstrators separate from the counter-protestors.
10. Instead of arriving in the Park from the West as police expected, demonstrators marched in from all sides. The picture below shows demonstrators marching across the



Downtown Mall.

The march was not part of Mr. Kessler's permit; the police were given no advance notice of it. Given the number of participants and its ordered ranks, it must have been planned in

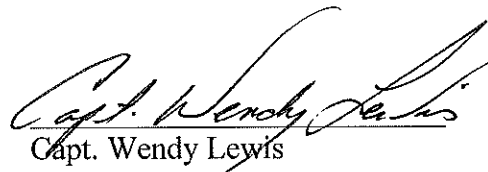
advance, in open disregard of the security planning engaged in between Mr. Kessler and the police department.

11. The security plan that Mr. Kessler failed to follow was similar to that used by police to manage an event held by a branch of the Ku Klux Klan event the previous month (July 8, 2017). The Klan members abided by that security plan, and while there were some disturbances they were able to be managed. Mr. Kessler's failure to abide by the plan and with police requests significantly hampered the department's ability to control and secure the August 12, 2017 event, and his event led to very different consequences.
12. Also on the morning of August 12th, I was advised by Sgt. Tony Newberry that Mr. Kessler's appointed security head for the speakers, Jack Pierce, had reneged at the last minute on the security plan he had agreed to with Sergeant Newberry in advance over a multi-day planning period. Instead of a police escort of the speakers into the back side Emancipation Park, the speakers came unescorted to the bank of the Park along with a number of other demonstrators.
13. The fact that the demonstrators did not come in from the West, and the fact that the speakers did not meet up with their police escort for their travel to the Park, showed a total disregard for the security planning engaged in between Mr. Kessler and the CPD in the months preceding the August 12th event. This lack of cooperation directly contributed to the violence that occurred that day and to the difficulty the department had in containing it.
14. On August 26, 2017, I received two texts from Mr. Kessler in which he acknowledges that the CPD had followed the security plan and essentially states that he can find people

to support that position. I hereby aver that a true and correct copy of these texts is attached to this Declaration as Exhibit B.

15. Most recently, only a week ago, the City of Portland, Oregon had an event similar to Unite the Right after violent confrontations broke out, which included the Proud Boys group in which we believed Mr. Kessler to have been a member.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.



Capt. Wendy Lewis

Dated: July 6, 2018



EXHIBIT A



Working on enlarging your area  
now

Water and power will be  
unlocked and on by 7am

All security teams talked with  
and original plan with escorts  
for vip/speakers in place.

EXHIBIT B

[See next page]



●●○○○ nTelos LTE

5:37 PM



Jason



figured it out

Sorry for getting  
angry at you. I  
know that you  
were trying to do  
the right thing  
and abode by our  
original security  
plan

If you or anyone  
else will come  
forward I will  
make sure that  
there are people  
who will support  
you.

